



What Proposed White House Executive Order on Open Access Gets Wrong Interview with Brian Crawford

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KENNEALLY: A growing number of scholarly journal articles are published today as open access. But under an executive order that could emerge soon from the Trump White House, the published results from all federal-funded research will be made immediately available to the public online.

That possibility troubles many publishers, who currently finance the production of peer-reviewed articles with subscriptions and other business models. The proposed White House order, these publishers assert, would nationalize a function now performed in the private sector and impose rigid, one-size-fits-all business terms on a diverse, competitive, and innovative American industry.

Welcome to Copyright Clearance Center's podcast series. I'm Christopher Kenneally for Beyond the Book.

In December, reports first appeared that the open access executive order was imminent. The White House Office of Science and Technology Policy has since begun a series of meetings with academic groups to discuss open science and public access while exploring opportunities to make the products of federally funded research more accessible. In the meantime, publishers and their advocates continue to make the case that the OA executive order would throw the research ecosystem into chaos.

Brian Crawford is currently on the Copyright Clearance Center board of directors. With more than three decades of experience in scholarly publishing, he is a former chair of the board of the Association of American Publishers as well as former member of the executive board of the International Association of STM Publishers. He recently retired as president of the American Chemical Society's publications division, the world's leading nonprofit publisher in the field of chemistry and its allied sciences. Previously, he served in a series of executive roles with John Wiley and Sons, overseeing Wiley's global life and medical sciences publishing. Brian Crawford joins me now from Washington with his perspective as a publisher and a researcher to the possible White House move. Welcome to Beyond the Book, Brian Crawford.



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CRAWFORD: Thank you very much, Chris, and it is a pleasure to be here and to be able to speak on this very important topic affecting researchers globally, and of course, United States competitiveness. I think you introduced the topic very well, and the administration considering an executive order of this type that would require free distribution of peer-reviewed journal articles immediately upon publication is what we are now hearing, if the articles report on research funded in whole or in part by a federal agency, could indeed significantly disrupt US competitiveness and the publishing industry, of course, in particular.

KENNEALLY: Brian, while the White House Office of Science and Technology Policy conducts its meetings with various stakeholders, any executive order on open access won't come until at least before the end of February. If and when it does appear, tell us more about what the impact would be for the United States in your view.

CRAWFORD: Well, I think it's first important to know that if publishers cannot finance the production of peer-reviewed science, these costs will have to be funded elsewhere. Currently, there are more than 224,000 articles estimated to be published each year that report on research funded in whole or in part by a US federal agency. If one imagines a publishing fee in the neighborhood of \$3,000 per article, the cost to the federal government to finance publication of these articles would be well north of \$6 billion over the course of 10 years. That's a price tag that would need to be absorbed by the US taxpayer in some fashion, because currently, the publishing models most publishers employ benefit from diverse revenue sources from the United States and abroad. So essentially, this would be an enormous windfall to the world of science, but at the same time, it would come at the price to the American taxpayer that maybe indeed the taxpayer would not be able to or willing to bear.

KENNEALLY: While readers and researchers see the finalized article, what many of us don't see is the entire publishing cycle that includes peer review, editorial oversight, production, and distribution. Of course, that represents a considerable investment by publishers and others, Brian Crawford. So how do publishers today pay for that investment? Explain a bit more about how that would change under the executive order.

CRAWFORD: Certainly. Well, first, peer-reviewed articles, as you say, are not free to produce. Peer review itself requires a significant investment by publishers, whether commercial or not-for-profit – investments in the hundreds of millions of dollars to coordinate the evaluation that is undertaken by scientists who are experts in the field. It's not customary to pay the peer reviewers themselves, but those who coordinate the editorial review process are compensated for their time and their



expertise, and there's quite a substantial infrastructure that supports that. And hundreds of publishers across America, ranging from nonprofit small scientific and technical societies to larger nonprofit societies and indeed corporations, make considerable investment that comes at no cost to taxpayers to finance that peer review. They also finance the subsequent publication, distribution, archiving, and long-term stewardship of the scientific record.

And the diverse publishing model that exists currently is a mixture of subscription revenue, in some cases sponsorship and advertising revenue, of course open access fees for flexible business models that allow so-called hybrid journals to serve the scientific community, whereby content is available both by paid subscription and by open access at the option of the author. These are diverse business models that benefit from a global customer base and are not supported only by the US purchasing power or indeed the US taxpayer.

KENNEALLY: Brian Crawford, you recently retired as president of the American Chemical Society's publications division, as we said. This kind of revenue that you've just been describing is important, no doubt, to the ACS and to other professional and scholarly societies. What kinds of activities does it make possible?

CRAWFORD: Well, first and foremost, the type of publishing activity goes hand in glove with most societies' scholarly mission. Being a provider of peer-reviewed research means that a scientific society makes the commitment to serve as an arbiter of research that is deemed to be valid, deemed to be significant, and can be relied upon and built upon as part of the scientific record. So, one way each society and its membership benefits, and the broader scientific community benefits, is through that publishing process itself.

But also, scientific societies tend to focus their mission on education and outreach, cultivation of the next generation of researcher. They do so through issuing grants of support to needy students at early stages of their education and careers. Scientific societies host conferences which themselves do not necessarily make a great deal of revenue or surplus, but they can use their publishing activities to help reinforce the messages that are communicated at those conferences. And those conferences enable investigators at various stages of their career to share their scientific results even at a preliminary stage and shape their science as their research progresses.

KENNEALLY: And if the government does require American intellectual property owners to give away their IP for free to the rest of the world, Brian, what could happen to our own country's trade relationships and competitiveness?



CRAWFORD: Well, Chris, there you have asked, I think, the key question for our elected officials to consider, and certainly the White House to consider, when changing potentially the policy that has been in place now for a number of years, whereby there's at least some delay – an embargo period, if you will – before work is made openly available to the American public and the world.

The US enjoys a significant trade surplus in intellectual property assets, and these publications are one type of such asset. Stripping American publishers of compensation for their sales and subscriptions and potentially instituting market pricing caps, which we've heard is a possibility being considered as part of this executive order, would put the US at a significant competitive disadvantage. And it's pretty much illogical, because that would turn the promise of our world-leading federal research programs into basically a gateway – an open gateway that would weaken US trade positions in crucial markets. Those markets include Asia, Europe, and elsewhere.

And at the same time, we would be encouraging foreign governments to pursue what I consider to be the folly of some of their policies regarding publication in this professional sector to adopt or make even more aggressive similar policies that could undermine American intellectual property interests. It would serve as really a disincentive for both professional organizations and commercial publishers to invest in scholarly publishing, because the economic value of copyright would be completely undermined.

At the moment, with the delayed period, which is typically 12 months – afterwards, the work is made openly available to the global scientific enterprise – publishers have been able to work very cooperatively with legislators, and of course, with their customer base to keep the current system intact while moving towards more openness. But this new practice would effectively nationalize valuable American IP.

KENNEALLY: Brian, America is currently the global leader in scholarly publishing, a position it has built up over decades. What kind of threat to that role does the executive order possibly represent?

CRAWFORD: Well, again, I think this would effectively nationalize the American IP that US publishers produce, and it would force them to give it away to the world, which means to highly competitive nations abroad, such as China. And when the rest of the world receives for free high-value IP that the American taxpayer has helped to support, this potentially undermines not only publishing as an American export, but US competitiveness and US global leadership as an R&D leader.



Currently, the publishing enterprise is supported by thousands of companies – hospitals, universities, libraries, and a range of customers in Asia and Europe and throughout the world. They are purchasing licenses of one type or another to American peer-reviewed journals. In some cases, they’re licensing the access to that material through the clearing function that the Copyright Clearance Center provides. I think our audience needs to appreciate that approximately 60% of industry revenues come from outside the US. And at the moment, under the current publishing model, this share is likely to grow, particularly with IP protection that helps publishers flourish in Asia and in other markets where intellectual property is increasingly being protected. As America is now the global publishing leader, there’s significant opportunity to expand the US exports in publishing in the coming years. But this White House policy if enacted, as we hear it might be, would in fact be a lost opportunity for US competitiveness.

KENNEALLY: Brian Crawford, thanks for speaking with me today about the proposed executive order on open access.

CRAWFORD: Thank you very much, Chris, and I appreciate the Copyright Clearance Center’s interest and engagement on this issue and the interest of our audience in this topic.

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